

**REMARKS/ARGUMENTS**

Claims 91, 92, 94-95, 99, 101, 105, 111, 117 and 121, which read on the currently elected species, continue to be rejected over Johnson et al. and Kensil et al., and "further in view of Applicants' own admission" that claimed antigens are known in the art (which Applicants certainly admit). Claims 106, 107, 118 and 119 are rejected in view of the above, further with De Vries et al.

First, applicants note that in view of art cited in the EPO Supplemental Search Report., which was filed with the Information Disclosure Statement of November, 2005, claims 92 and 95, as well as 115-116, have been canceled, and claims 91 and 94 amended. The cited art disclosed combinations of an AGP with isotucarecol, a saponin mimetic. However, this art does not affect the patentability of the remaining claims.

The Examiner takes the position that only anecdotal evidence has been provided to show unexpected results of AGP/saponin combinations, and that the results as disclosed fail to show unexpected results. Applicants respectfully disagree and will discuss the results presented in this application below.

In any event, in order to provide further evidence of unexpected results, Applicants submit the accompanying Declaration under 37 CFR 1.132 of Sally Mossman, the lead inventor in this Application.

First, Dr. Mossman authenticates the examples in this Application, stating that all were actually carried out by her or under her supervision (par. 2).

Dr. Mossman then states (par. 3 ad 4) that the results in this Application are sufficient to show unexpected results for the combinations tested, and that such results are, in her opinion, representative of the class of AGPs as a whole.

As Dr. Mossman states, Tables 1 and 2 demonstrate unexpected results for combinations of two AGPs and Quil-A saponin, with respect to specific lysis. Especially in Table 2, these combinations showed far better results on DPV peptide (33-53 and 50-55%) than either the vehicle (4-5%) or the vehicle with saponin alone (13-35%) or, for that matter,

combinations of the vehicle with saponin and the commercial adjuvant Monophosphoryl lipid A (5 - 55%). These comparative results ought to be, and indeed are, strong evidence of unexpected results.

Dr. Mossman specifically states that, in her opinion as a scientist experienced in this field, these results are representative of the overall claimed class of AGPs. Applicants also note that examples 4-8 show results with combinations of AGPs B3, B9 and B19 with another type of saponin, GPI-100, a saponin-lipophile conjugate.

Further submitted with Dr. Mossman's Declaration are the results of similar experiments conducted with combinations that included other AGPs, RC-527, RC-540 and RC-557. These AGPs fall within the overall definition of such compounds in the main claims 91 and 94. In these experiments, another saponin, QS-21, was used. The expedients are described in paragraph 8, and results are shown in Figures 1 and 2. Again, Dr, Mossman states her opinion that the results for these combinations show inducement of an immune response that is greater in magnitude than the response induced by either member of the combination, administered alone.

Applicants submit that the data in this Application, together with the additional data included in Dr. Mossman's Declaration, supports the position that the claimed combinations overall produce unexpected results in inducing an immune response, and that Dr, Mossman's specific statements that such results are unexpected should be given significant weight in this regard.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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